

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

**In re
RANDI LEE TAYLOR**

**CASE NO. 23-10055
CHAPTER 13**

Debtor

**RANDI LEE TAYLOR
Plaintiff**

vs.

**NAVIENT SOLUTIONS, INC.,
Defendant**

ADV. PRO. CASE NO:

**Debtor's Complaint to Determine Private Student Loans Discharged
For "Undue Hardship" under 11 U.S.C. § 523(a)(8)**

Nature of Action

1. This is an adversary proceeding by which the Debtor seeks a declaration that a portion of Debtor's private student loans were discharged and that the remaining private student loans constitute an undue hardship for the Debtor and should be discharged pursuant to section 523(a)(8) of the Bankruptcy Code.

Jurisdiction and Venue

2. On March 6, 2018, the Debtor filed a voluntary petition in the United States Bankruptcy Court for the Southern District of Ohio for relief under 11 U.S.C. § 1328, Chapter 13 of the Bankruptcy code. On November 29, 2022, the Court granted the Debtor a discharge under 1328 of the Bankruptcy Code.
3. On January 27, 2022, Debtor filed a motion to transfer her case to the District of Vermont. That motion was granted on March 28, 2023, and the case was successfully transferred with the above notated case number.
4. The Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 1334 and 157(a).
5. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
6. Venue is proper in this district pursuant to 28 U.S.C § 1409.

Parties

7. Plaintiff, Randi Lee Taylor, is the Debtor in the above captioned case. She is the recipient of private student loans and is a resident of Randolph, Vermont.
8. Defendant Navient Solutions, Inc. is a Delaware corporation, headquartered in Wilmington, Delaware and is the holder of some loans at issue.

Factual Allegations

9. Navient owns three loans with a total balance of \$104,791 as of the date of this complaint.
10. At the time of filing Chapter 13, the total loan balance was \$82,352.
11. Since the filing of Chapter 13, the loans have grown by \$22,439 which represents a 27% increase in just 5 years.
12. Prior to filing of bankruptcy, the minimum payments to Navient were in excess of \$675 a month.
13. Since the bankruptcy closed in November 2022, Navient has requested minimum payments in excess of \$900 a month.
14. Taylor cannot afford the minimum payment of \$900 a month while maintaining a minimal standard of living.
15. Although the loans are not yet in default, they will be within a few months if Taylor is unable to afford the \$900 per month payment. At such time, the loans will default and accelerate, and there will no longer be a term under which minimum payments can be made.
16. Navient's loans do not have any of the programs available that Federal loans have, such as payments based on income, disability discharge, or death discharge.
17. Further, Navient's loans do not have any ability to cure a default like Federal loans.
18. Taylor has made good faith attempts to make payment.
19. Taylor has minimized her expenses as best possible.
20. Taylor has maximized her income as best possible with her degree and the economic climate.
21. Taylor's income is not likely to increase quickly enough to stop the Navient loans from defaulting. Nor will Taylor's income ever be enough to afford these loans, especially once they default and accelerate and the full amount in excess of \$104,000 is due.
22. Navient's loans represent an undue hardship to Taylor.

Claim for Relief: Undue Hardship Discharge

23. The Debtor repeats and realleges the allegations contained in paragraphs 1 through 22 of this Complaint as if fully set forth herein.
24. The repayment of private student loans made to Taylor would be an undue hardship to her.
25. As a result, her private student loan obligations should be discharged pursuant to Bankruptcy code section 523(a)(8).

WHEREFORE, the Debtor requests a judgment determining that her private student loans are discharged pursuant to Bankruptcy Code section 523(a)(8).

Dated April 18, 2023

Respectfully Submitted,
RANDI LEE TAYLOR

By his attorney,

/s/Joshua Cohen

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